

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 JANE SHATTUCK,

11 Plaintiff,

12 v.

13 FRED MEYER STORES, INC., et al.,

14 Defendants.

CASE NO. C19-1677 MJP

ORDER GRANTING DEFENDANT  
FRED MEYER STORES, INC.'S  
PARTIAL MOTION FOR  
JUDGMENT ON THE PLEADINGS  
PURSUANT TO FED. R. CIV. P.  
12(C)

15  
16 THIS MATTER having come before the above-entitled court on Defendant Fred Meyer  
17 Stores, Inc.'s Partial Motion for Judgment on the Pleadings Pursuant to Fed. R. Civ. P. 12(c), the  
18 Court having considered the records and filed herein, and being fully advised, now, therefore:

19 THE COURT FINDS that Plaintiff's claim for retaliation based on union activity fails as  
20 a matter of law because it is wholly preempted by the National Labor Relations Act ("NLRA"),  
21 and, as a result, Plaintiff has failed to state a claim and this Court lacks jurisdiction to adjudicate  
22 it.  
23  
24

1 IT IS HEREBY ORDERED that Defendant Fred Meyer Stores, Inc.'s Partial Motion for  
2 Judgment on the Pleadings Pursuant to Fed. R. Civ. P. 12(c) is GRANTED and Plaintiff's claim  
3 for "Retaliation: Union Activities" is dismissed with prejudice.

4  
5 The clerk is ordered to provide copies of this order to all counsel.

6 Dated April 14, 2020.

7  
8 

9 Marsha J. Pechman  
United States District Judge